

*Cowdria ruminantium* (heartwater)  
 Foot-and-mouth disease virus  
 Goat pox virus  
 Japanese encephalitis virus  
 Lumpy skin disease virus  
 Malignant catarrhal fever  
 Menangle virus  
*Mycoplasma capricolum* /*M. F38*/*M. mycoides capri* (contagious caprine pleuropneumonia)  
*Mycoplasma mycoides mycoides* (contagious bovine pleuropneumonia)  
 Newcastle disease virus (exotic)  
 Nipah virus  
 Peste des petits ruminants  
 Rinderpest virus  
 Sheep pox  
 Swine vesicular disease virus  
 Vesicular stomatitis (exotic)

(c) *Exemptions.* Persons possessing products that are, bear, or contain overlap agents or toxins listed in paragraph (a) of this section will be exempt from the notification requirements of § 121.3 if the products have been cleared, approved, licensed, or registered pursuant to:

(1) The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*);

(2) Section 351 of Public Health Service Act (42 U.S.C. 262);

(3) The Act commonly known as the Virus-Serum-Toxin Act (the eighth paragraph under the heading “Bureau of Animal Industry” in the Act of March 4, 1913; 21 U.S.C. 151–159); or

(4) The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 131 *et seq.*).

### § 121.3 Notification requirements and procedures.

(a) Any person or facility that possesses any biological agent or toxin listed in § 121.2(b) must notify the Animal and Plant Health Inspection Service (APHIS) of such possession by October 11, 2002. Any person or facility that possesses any biological agent or toxin listed in § 121.2(a) that is not exempt under § 121.2(c) must notify APHIS of such possession by September 10, 2002. Notice must be provided using the form “Notification of Possession of Select Agents or High Consequence Livestock Pathogens and Toxins.” A machine-readable version of the form may be obtained by calling (866) 567-4232. An alternate version of the form is available on the Internet at <http://www.aphis.usda.gov/vs/ncie>.

(b) Each facility should designate a responsible facility official to complete the form, and a single form that reflects all listed agents and toxins possessed by all persons within the facility should be submitted for each facility. The responsible facility official for each facility should consult with others in the facility (*e.g.*, principal investigators) in order to obtain the information necessary to complete the notification form. The responsible facility official must review and sign the notification form and will be the individual contacted by APHIS if any questions arise concerning the facility’s response.

(c) Completed forms must be mailed to: Analytical Sciences, Inc., Attn: FSO P.O. Box 341809, Bethesda, MD 20827-1809.

(d) Assistance in completing the form available on the Internet may be requested by calling (301) 734-3222. Assistance in completing the machine-readable form may be obtained by calling (866) 567-4232.

(Approved by the Office of Management and Budget under control number 0579-0201)

EFFECTIVE DATE NOTE: At 67 FR 76931, Dec. 13, 2002, part 121 was revised, effective Feb. 11, 2003. For the convenience of the user, the revised text is set forth as follows:

## PART 121—POSSESSION, USE, AND TRANSFER OF BIOLOGICAL AGENTS AND TOXINS

### Sec.

- 121.0 Effective and applicability dates.
- 121.1 Definitions.
- 121.2 Purpose and scope.
- 121.3 List of biological agents and toxins.
- 121.4 Exemptions for overlap agents or toxins.
- 121.5 Exemptions for animal agents and toxins.
- 121.6 Registration; who must register.
- 121.7 Registration; general provisions.
- 121.8 Denial, revocation, or suspension of registration.
- 121.9 Registration; how to register.
- 121.10 Responsibilities of the responsible official.
- 121.11 Restricting access to biological agents and toxins.
- 121.12 Biosafety and security plan.
- 121.13 Training.
- 121.14 Transfer of biological agents and toxins.
- 121.15 Records.
- 121.16 Inspections.